IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 6227 of 1991

For Approval and Signature:

HON'BLE MISS JUSTICE R.M. DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

MALDEBHAI K KALAVADRA

Versus

GUJARAT STATE FERTILIZER CO LTD

Appearance:

1. Special Civil Application No. 6227 of 1991

MR AJ SHASTRI for Petitioner

NANAVATI ASSOCIATES for Respondent No. 1

MR SN SHELAT, ADVOCATE GENERAL with

MS SHRUTI D TRIVEDI for Respondents No. 2-3

CORAM : HON'BLE MISS JUSTICE R.M.DOSHIT

Date of decision: 17/09/2004

ORAL JUDGEMENT

The petitioner, a former employee of the respondent-Gujarat State Fertilizer Company Limited, challenges the order dated 3rd April, 1991. By impugned order the petitioner has been, for the acts of misconduct proved against him, dismissed from service.

Learned advocate Mr. Shastri submits that the Division Bench of this Court has, in the matter of Gujarat State Fertilizers Company Limited & Arn. v. Association of Officers, G.S.F.C., Fertilizernagar [1995 (2) GLH 179], held that the Gujarat State Fertilizer Company Limited is not a State within the meaning of Article 12 of the Constitution of India. He, therefore, concedes that the present petition under Article 226 of the Constitution of India against the impugned order of termination of service of the petitioner shall not be maintainable.

In above view of the matter, the petition is dismissed as it is not maintainable. Rule is discharged. The parties shall bear their own costs.

{Miss R.M Doshit, J.}

Prakash*